

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 245 be amended to read as follows:

- 1 Page 5, line 36, delete "stand alone telephone" and insert "**telephone**
- 2 **exchange service (as defined in 47 U.S.C. 153(47)) that is provided**
- 3 **to a customer through the customer's primary line.**
- 4 **(b) The term includes, at a minimum, the following:**
- 5 **(1) Voice grade access to the public switched telephone**
- 6 **network with minimum bandwidth of three hundred (300) to**
- 7 **three thousand (3,000) hertz.**
- 8 **(2) Dual tone multifrequency signaling and single party**
- 9 **service.**
- 10 **(3) Unlimited local calling within the same local service area**
- 11 **(as defined in 170 IAC 7-1.2-2(25)) available to a similarly**
- 12 **situated customer on January 1, 2006.**
- 13 **(4) Access to:**
- 14 **(A) emergency services, including access to 911 and**
- 15 **enhanced 911 if provided by the local government having**
- 16 **jurisdiction in the service area;**
- 17 **(B) operator services;**
- 18 **(C) local directory assistance;**
- 19 **(D) telephone relay services; and**
- 20 **(E) interexchange service.**
- 21 **(5) Toll limitation services for qualifying low income**
- 22 **customers.**
- 23 **(c) The term does not include the following:**
- 24 **(1) A functionally equivalent service provided by a person or**
- 25 **an entity described in IC 8-1-2-1.1.**

(2) A monthly rate structure for local exchange telephone service based on usage.

(d) A service described in this section is a basic telecommunications service regardless of whether the service is purchased by the customer:

(1) in conjunction with another service;

(2) as part of:

(A) a package or bundle of services;

(B) a promotion; or

(C) a contract; or

(3) at a discounted price."

Page 5, delete lines 37 through 42.

Page 6, delete lines 1 through 20.

Page 6, line 31, delete "service, except when the service" and insert "service;"

Page 6, delete lines 32 through 36.

Page 10, line 32, after "subsection." insert "**The provider shall also provide notice of the increase to all affected customers in the first monthly billing statement in which the rate increase takes effect. The notice provided in the monthly billing statement must fairly summarize the nature and extent of the rate change.**"

Page 11, line 18, after "subsection." insert "**The provider shall also provide notice of the increase to all affected customers in the first monthly billing statement in which the rate increase takes effect. The notice provided in the monthly billing statement must fairly summarize the nature and extent of the rate change.**"

Page 13, line 16, delete "Except as provided in" and insert "**(a) For purposes of this section, a local exchange area is subject to effective competition if the commission finds, after conducting an investigation upon the petition of a provider or upon the commission's own motion, that either of the following apply:**

(1) In the local exchange area:

(A) there are at least two (2) unaffiliated providers each of which offers basic telecommunications service to at least fifty percent (50%) of all households and businesses located in the local exchange area; and

(B) at least fifteen percent (15%) of all households and businesses located in the local exchange area subscribe to basic telecommunications service offered by a provider other than the largest provider of basic telecommunications service in the local exchange area.

(2) In the local exchange area:

(A) there is at least:

(i) one (1) provider that offers basic telecommunications service throughout the local exchange area; and

(ii) one (1) provider unaffiliated with a provider

described in item (i) that offers basic telecommunications service to at least fifty percent (50%) of the households located in the local exchange area; and

(B) the number of households and businesses subscribing to basic telecommunications service offered by a provider other than the largest provider of basic telecommunications service in the local exchange area is less than fifteen (15%) of all households and businesses located in the local exchange area.

(b) Except as provided in sections 1.5(c), 12, and 13 of this chapter, after June 30, 2009, the commission shall not exercise jurisdiction over:

(1) the price, terms, and conditions for basic telecommunications service; or

(2) any provider of basic telecommunications service; in a local exchange area in which the commission finds, upon notice and hearing and after an investigation under subsection (a), that the local exchange area is subject to effective competition.

(c) Regardless of whether a provider of basic telecommunications service is subject to the commission's jurisdiction in a particular local exchange area after June 30, 2009, the provider shall provide notice of any change in the provider's rates for basic telecommunications service in the local exchange area to all affected customers in the first monthly billing statement in which the rate change takes effect. The notice provided in the monthly billing statement must fairly summarize the nature and extent of the rate change."

Page 13, delete lines 17 through 19.

Page 18, line 24, delete "residential".

Page 18, line 26, delete "residential".

Page 18, line 30, delete "residential".

Page 22, line 39, delete "After" and insert "Except as provided in section 1.4 of this chapter, after".

Page 91, delete lines 14 through 28.

Re-number all SECTIONS consecutively.

(Reference is to ESB 245 as printed February 22, 2006.)

Representative Austin